

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested. Claims 1-69 are currently pending in the present application, which include prior claims 1-64 and new claims 65-69.

I. 35 U.S.C. § 101

Claims 1-64 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant respectfully traverses the rejection. Independent claims 1, 28, 37, 48, and 59 are directed to methods and systems that generate a ranking of alternatives based on a risk tolerance of a user and quantitative, relative values of importance of the alternatives' attributes selected by the user. This ranking is a useful, concrete, and tangible result, which may be used by the user or a system in a number of ways as set forth in the claims dependent upon claims 1, 28, 37, 48, and 59, such as allocating resources to the alternatives based on the ranking.

II. 35 U.S.C. §102(b)

Independent claims 1, 28, 37, 48, and 59 were rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 7,249,080 to O'Shaughnessy *et al.* (hereinafter "*O'Shaughnessy*"). Applicant respectfully traverses this basis of rejection.

Independent claims 1, 28, 37, 48, and 59 relate to a method, or a system executing a method, for selecting between or allocating among a plurality of alternatives. In general, the method comprises the steps of determining a risk tolerance for a user, presenting a plurality of attributes related to the alternatives for selection by the user, determining a quantitative value of importance for each of the attributes selected by the user relative to the other attributes, and generating a ranking of the

alternatives in response to both an analysis of the values of importance and the risk tolerance of the user.

In contrast, *O'Shaughnessy* relates a system that transmits strategies to a user, along with performance figures for each strategy, allows the user to view the financial securities of each strategy, including a list of suggested financial securities, accepts the user's selection of a strategy, and facilitates purchase of the strategy by the user. The system disclosed in *O'Shaughnessy* allows the user to view aspects of the strategy, such as selection methodology and related content. *O'Shaughnessy*, col. 9, lines 49-51. The user may also view the performance statistics of each strategy, compare it to benchmarks and indexes, and view hypothetical returns of the strategy. *O'Shaughnessy*, col. 9, line 52 – col. 10, line 36. The system can show the ranking of strategies to the user based on past performance. *O'Shaughnessy*, col. 10, lines 47-51. The user may view the financial securities that make up each strategy. *O'Shaughnessy*, col. 11, lines 28-48. The user may view the current security recommendations of a strategy in action, which are a result of applying the methodology of the strategy to the universe of stocks declared in the strategy methodology. *O'Shaughnessy*, col. 12, lines 21-32. The user may customize these recommendations and then purchase the proposed securities. *O'Shaughnessy*, col. 13-14.

The system disclosed in *O'Shaughnessy* permits the user to select a program with certain criteria or customize a version of the selection criteria in order to view financial securities that meet the criteria. *O'Shaughnessy*, col. 23, lines 12-36. The examples of the criteria selectable by the user as disclosed in *O'Shaughnessy* are performance statistics associated with the securities.

Thus, *O'Shaughnessy* discloses a system that allows a user to select a strategy for selecting securities and to customize the securities selected by the strategy. *O'Shaughnessy* further discloses a

system that allows a user to select a program for selecting securities based on certain criteria and to customize the criteria. *O'Shaughnessy*, however, does not disclose a system or method that determines a quantitative value of importance for each of the attributes selected by the user relative to the other attributes of the alternatives, nor does it generate a ranking of a plurality of alternatives in response to both the risk tolerance of a user and an analysis of the values of importance.

In contrast, the independent claims of the present application call for generating a ranking of the alternatives based on a user's risk tolerance and an analysis of a quantitative, relative value of each attribute of the alternatives selected by the user.

III. Conclusion

For the reasons stated above, it is respectfully submitted that independent claims 1, 28, 37, 48, and 59 are not unpatentable over *O'Shaughnessy*. The remaining rejected claims depend from these independent claims, recite further limitations, and are therefore allowable in their respective combinations. Favorable action by the Examiner and withdrawal of the cited rejections is respectfully requested. The Examiner is invited to call the undersigned in an effort to discuss and resolve any remaining issues.

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH, LLP.

/s/ Jeremy C. Whitley/
Jeremy C. Whitley
jeremy.whitley@nelsonmullins.com
Registration No. 58,775

1320 Main Street | Suite 1700
Columbia, South Carolina 29201
Office: (803) 255-9764 | Fax: (803) 255-9831